

*Rob Fitzroy* 11/8/16

**SAN LUIS OBISPO PLANNING DEPARTMENT HEARING MINUTES FOR THE MEETING  
OF  
Friday, October 14, 2016**

Minutes of the Regular Meeting of the County Planning Department Hearings held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by **Rob Fitzroy, Hearing Officer**.

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

**HEARINGS ARE ADVERTISED FOR 9:00 A.M. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.**

Rob Fitzroy, Hearing Officer: opens meeting.

**PUBLIC COMMENT PERIOD**

1. Members of the public wishing to address the Planning Department Hearing Officer on consent agenda items and matters other than hearing items may do so at this time, when recognized by the Hearing Officer. Presentations are limited to three minutes per individual.

Rob Fitzroy, Hearing Officer: opens and closes public comment with no one coming forward.

**CONSENT AGENDA**

2. Unless pulled from the consent agenda by the Planning Department Hearing Officer for separate action, the following items will be acted on collectively because individual public hearings were not requested or required pursuant to Land Use Ordinance Section 22.062.050B.4.b. or Coastal Zone Land Use Ordinance Sections 23.02.033b.(2)(ii) and 23.02.033b.(4)(ii):

3. August 5, 2016 PDH DRAFT Minutes

**Thereafter, on motion of the hearing officer, the Planning and Building Department Minutes of August 5, 2016 are Received and Filed as recommended and are available on file at the office of the Planning and Building Department.**

4. August 19, 2016 PDH DRAFT Minutes

**Thereafter, on motion of the hearing officer, the Planning and Building Department Minutes of August 19, 2016 are Received and Filed as recommended and are available on file at the office of the Planning and Building Department.**

5. A request by **DAVID FRIEDBERG and LYNNE SCHMITZ** for a Minor Use Permit (DRC2015-00109) to allow for the demolition of one unoccupied single family dwelling and construction of a 9,100 square-foot (sf) general retail store and related site infrastructure, including associated parking, landscaping, lighting, and storm drainage. The proposed project is within the Commercial Retail land

use category and is located at 972 K St., on the northeast corner of the intersection at 9th St., within the community of San Miguel. The site is within the Salinas River sub-area of the North County planning area. Also to be considered is the approval of the environmental determination. A mitigated negative declaration was issued on August 18, 2016.

**County File Number: DRC2015-00109**  
**Supervisory District: 1**  
**Project Manager: Kate Shea**

**Assessor Parcel Number: 021-322-004**  
**Date Accepted: April 25, 2016**  
**Recommendation: Approval**

**Thereafter, on motion of the hearing officer, the request by DAVID FRIEDBERG and LYNNE SCHMITZ for a Minor Use Permit (DRC2015-00109) is granted based on the Findings A. through F. in Exhibit A and subject to the Conditions 1 through 52 in Exhibit B. (Document Number: 2016-068\_PDH)**

6. A request by **PAMELA & RANDY BRINDLEY** for a Minor Use Permit/Coastal Development Permit (DRC2014-00155) to allow the construction of a 440 square foot second floor addition, a 250 square foot deck, and remodel of an existing single family residence; resulting in a 1,555 square foot two story single family residence. The project will result in site disturbance of the entire 2,640 square-foot parcel. The property is within the Residential Single Family land use category, within the Small Scale Design neighborhood, and is located at 51 Mannix Avenue, on the northeast corner of the intersection of Studio Drive and Mannix Avenue, in the community of Cayucos. The site is located in the Estero planning area. Also to be considered is the approval of the environmental document. The project is exempt under CEQA.

**County File Number: DRC2014-00155**  
**Supervisory District: 2**  
**Project Manager: Schani Siong**

**Assessor Parcel Number: 064-443-017**  
**Date Accepted: April 8, 2016**  
**Recommendation: Approval**

**Thereafter, on motion of the hearing officer, the request by PAMELA & RANDY BRINDLEY for a Minor Use Permit/Coastal Development Permit (DRC2014-00155) is granted based on the Findings A. through H. in Exhibit A and subject to the Conditions 1 through 32 in Exhibit B. (Document Number: 2016-069\_PDH)**

7. A request by **JOHN AND DAWN TURNER** for a Minor Use Permit (DRC2015-00140) to allow grading on slopes in excess of 20% for the construction of a 2,498 square foot, two-story, single family residence with a 675 square foot attached garage and approximately 563 square feet of deck area. The proposed project will result in the disturbance of approximately 5,084 square-feet of the 7,440 square foot vacant parcel. The proposed project is within the Residential Single Family land use category and is located at 2709 Santa Barbara Avenue, approximately 645 feet east of the Studio Drive and CA Highway 1 intersection, in the community of Cayucos. The site is in the Estero planning area. Also to be considered is approval of the environmental document. A Class 3 Categorical Exemption was issued for this project.

**County File Number: DRC2015-00140**  
**Supervisory District: 2**  
**Project Manager: Brandi Cummings**

**Assessor Parcel Number: 064-203-073**  
**Date Accepted: August 9, 2016**  
**Recommendation: Approval**

**Thereafter, on motion of the hearing officer, the request by JOHN AND DAWN TURNER for a Minor Use Permit (DRC2015-00140) is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 34 in Exhibit B. (Document Number: 2016-070\_PDH)**

8. A request by **DAN AND JUDE CLEMENT** for a Minor Use Permit/Coastal Development Permit (DRC2015-00119) to allow the following: conversion of an existing 416 square-foot garage to living space, an addition of 270 square feet of living area, a 500 square foot garage addition, a 228 square foot roof deck, and remodel of the existing residence. The proposed project will result in the permanent disturbance of 770 square-feet of the 10,000 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1261 Pasadena Drive, approximately 364 feet southwest of the Pasadena Drive and Santa Ysabel Avenue intersection, in the community of Los Osos. The site is in the Estero planning area. Also to be considered is approval of the environmental document. A Class 1 Categorical Exemption was issued for this project.

**County File Number: DRC2015-00119**  
**Supervisory District: 2**  
**Project Manager: Brandi Cummings**

**Assessor Parcel Number: 038-732-003**  
**Date Accepted: August 9, 2016**  
**Recommendation: Approval**

Thereafter, on motion of the hearing officer, the request by **DAN AND JUDE CLEMENT** for a Minor Use Permit/Coastal Development Permit (DRC2015-00119) is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 34 in Exhibit B. (Document Number: 2016-071\_PDH)

9. A request by **CHAD AND LAUREN RAVA** for a Minor Use Permit (DRC2015-00148) to allow a wine production facility (maximum 10,000 cases of wine annually) and a public tasting room within two existing structures on an 80-acre site. The request includes a 9,928 square foot (sf) wine production facility in an existing 34,500 sf agriculture storage barn, an 830 sf tasting room to be located on the ground floor portion of an existing residence, and a 500 sf outdoor crush pad. The applicant is also requesting a modification to allow the wine production facility to be located 51 feet from the west side property line instead of 100 feet per ordinance requirement. The site was previously authorized for up to 25 Temporary Events per year (DRC2010-00086). The proposed project is within the Agriculture land use category and is located at 6785 Creston Road, approximately 4.5 miles east of the City of Paso Robles. The site is in the North County planning area of the El Pomar-Estrella sub area. Also to be considered is the approval of the environmental document. A Class 1 categorical exemption was issued for this project.

**County File Number: DRC2015-00148**  
**Supervisory District: 5**  
**Project Manager: Cindy Chambers**

**Assessor Parcel Number: 035-341-023 & 24**  
**Date Accepted: July 29, 2016**  
**Recommendation: Approval**

Thereafter, on motion of the hearing officer, the request by **CHAD AND LAUREN RAVA** for a Minor Use Permit (DRC2015-00148) is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 26 in Exhibit B. (Document Number: 2016-072\_PDH)

## **HEARING ITEMS**

10. A continued request by **FU-CHUAN TSAI (CHATHAM LANE, LLC)** for a Minor Use Permit / Coastal Development Permit (DRC2015-00130) to allow an existing 2,423 square-foot, 3-bedroom single family residence to be used as a residential vacation rental. The Minor Use Permit is requesting to modify the location standard for vacation rentals per Coastal Zone Land Use Ordinance Section 23.08.165(C)(1). The requested waiver would allow the proposed vacation rental to be located immediately adjacent to an existing vacation rental and within 50 feet of two other vacation rentals, which is closer than the location requirement allows for. The proposed project will result in no site disturbance on a 3,050 square-foot parcel. The proposed project is within the Residential Single

Family land use category and is located at 201 Chatham Lane, on the northeast corner of the Chatham Lane and Moonstone Beach Drive intersection, within the community of Cambria. The site is in the North Coast planning area. Also to be considered is approval of the environmental determination. The project is exempt under CEQA. This item was continued from August 19, 2016.

**County File Number: DRC2015-00130**  
**Supervisory District: 2**  
**Project Manager: Airlin M. Singewald**

**Assessor Parcel Number: 022-014-039**  
**Date Accepted: July 1, 2016**  
**Recommendation: Denial**

Rob Fitzroy, Hearing Officer: states the applicant has requested this item to be Continued to a new Hearing Date of March 10, 2017.

**Thereafter, on motion of the hearing officer, the continued request by FU-CHUAN TSAI (CHATHAM LANE, LLC) for a Minor Use Permit / Coastal Development Permit (DRC2015-00130) is Continued to the New Hearing date of March 10, 2017.**

11. A continued request by **GREENGATE FARMS SLO LLC and GREEN GATE FARMS EDNA VALLEY, LLC.** for a Minor Use Permit (DRC2012-00078) to allow Temporary Events on a 210 acre site. The Temporary Event program will include: 25 events with up to 500 people; 50 events with up to 300 people; and 50 activities with up to 200 people. Multiple Temporary Events may occur on a single day and the number of Temporary Events per year shall not exceed 125. The proposed project is located within the Agriculture land use category, on the east side of Edna Road (SR 227) at the intersection of Corbett Canyon Road. The project site is approximately 3.6 miles south of the City of San Luis Obispo in the South County planning area (San Luis Obispo Sub Area South). Also to be considered is the approval of the Mitigated Negative Declaration that was issued on July 28, 2016.

**County File Number: DRC2012-00078**

**APN(s): 044-161-010, 044-161-009,  
044-233-010**

**Supervisory District: 3**  
**Project Manager: Holly Phipps**

**Date Accepted: March 4, 2016**  
**Recommendation: Approval**

Holly Phipps, Project Manager: presents staff report via power point. Stated that pages 14-16 are duplicate Findings and Conditions and need to be deleted.

Jamie Kirk, Agent: presents presentation via power point.

Rob Fitzroy, Hearing Officer: opens public comment.

Karen Merriam, Sierra Club: submits letter today and sent additional information previous to hearing for the record. States concern with the size of the project and other event centers near the proposed project.

Lea Brooks, Bike SLO County: questions why only a Negative Declaration was required and why wasn't the County Bicyclist Committee asked to review this project.

Rob Fitzroy, Hearing Officer: closes public comment.

Rob Fitzroy, Hearing Officer: request to start with the safety issues and requirements that the applicant will need to comply with regarding sprinklers and things like that.

Mike Salas, County Fire: discusses concern with the fire safety plan and fire sprinklers.

Holly Phipps, Project Manager: comments on the noise issues, also discusses the surrounding

properties with events.

Glenn Marshall, Public Works: speaks to the traffic issues and commutative development.

Rob Fitzroy, questions the transportation management plan with Mr. Marshall responding.

Discusses revising condition with Mr. Marshall and Ms. Kirk.

Karen Nall, Hearing Officer: responds to revising condition.

Rob Fitzroy, Hearing Officer: requests to discuss the Noise issues with Ms. Phipps responding. Reviewing Conditions 36, 31, 55 -58, 59 and 50.

Jamie Kirk, Agent: states that the non-profits are exempt, offers to adjust Condition to read "the non-profits are also required to adhere to the Conditions of Approval for the activities on the site".

Rob Fitzroy, Hearing Officer: questions if it is an option to include the non-profit events as part of the 125 events with Jamie Kirk responding.

Jamie Kirk, Agent: states for the record, that in the traffic analysis, when they were doing traffic counts they were doing "real" traffic counts. The traffic we were capturing are alot of those activities, while the County might not have a permit for them, we were capturing them in the days and the times we were taking those trips.

Rob Fitzroy, Hearing Officer: reviews Ag, Historic, Noise, Traffic, Mitigation Measures and Safety. And reviews the Conditions Approval, suggesting an additional Condition regarding an Annual Compliance of the Conditions.

Jamie Kirk, Agent states the applicant would be open to adding the additional conditions.

Rob Fitzroy, Hearing Officer: starts review the conditions. Holly Phipps: states revising Condition 31 and adding new Condition 32, reads revision into record and renumbering, 36 revised. Also, revised Condition 1 reads revision in to record. Discussion on Condition 2.

Jamie Kirk, Agent: Confirms the Octagon Barn was approved in 2012 as a library, museum and allowed temporary events. Also, states there was no time limit for the Octagon Barn.

Rob Fitzroy, Hearing Officer: suggests modifying Condition 2 with Ms. Phipps reading revision into the record.

Rob Fitzroy, Hearing Officer: presents closing statement.

**Thereafter, on motion of the hearing officer, the request by GREENGATE FARMS SLO LLC and GREEN GATE FARMS EDNA VALLEY, LLC. for a Minor Use Permit (DRC2012-00078) is granted based on the Finding A. through G. in Exhibit A and subject to the Revised Conditions 1 through 61 in Exhibit B; Revised Condition 1 to read " This approval authorizes Temporary Events on a 210 acre project site within areas A, B, C and D shown on the approved site plan. The Temporary Events program may include: 25 events with up to 500 people; 50 events with up to 300 people and 50 events with up to 200 people. Multiple Temporary Events may occur on a single day (per attached Transportation Demand Management Plan dated September 1, 2015); the number of Temporary Events (including all non-profit events)per year shall not exceed 125."; Revised Condition 2 to read "This authorization, once vested, shall remain valid for a period of 20 years from its effective date.run in perpetuity." with renumbering as**

needed; Revised Condition 32 to read "Prior to occupancy or final inspection and prior to initiation of public events, the applicant shall submit to the county a copy of a formal rental agreement for groups making use of the event site. The rental agreement shall include the disclaimer that outdoor amplified music will not exceed the following prescribe noise standards: at the property line. Noise levels at the project property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB. From 10 p.m. to 7 a.m. (nighttime), noise levels at the property line shall not exceed an hourly average of 45 dB, with a maximum level of 65 dB, and an impulsive noise level of 60 dB. The rental agreement shall identify an on-site manager to be present during all events who will have a basic sound level meter to verify conformance with standards and to correct problem situations."; Adding New Condition 33 to read "Prior to hosting any Temporary Events authorized by this land use permit, the applicant shall submit for review and approval to the County Planning Department a Condition Compliance Monitoring Plan (CCMP). The Condition Compliance Monitor shall oversee and monitor compliance with County Conditions of Approval and mitigated Negative Declaration measures. The Condition Compliance Monitor shall assist the County in condition compliance and mitigation monitoring for all applicable construction and operational aspects of the project. The CCMP may be modified with review and approval based on compliance. The CCMP plan shall include the following as a minimum. a. List of personnel that will need to be involved in monitoring activities; b. Description of how the monitoring shall occur; c. Clear identification of what portions of the project (e.g. areas of site, types of activities); d. Description of frequency of monitoring (e.g. full time, part time, spot checking, during certain activities); e. Description of monitoring reporting procedures; f. Description of actions to be implemented to assure compliance." with renumbering as needed; and Revising Condition 38 to read "For the life of the project, the applicant shall designate an employee to serve as a noise monitor. For events that include outdoor amplified music, the noise monitor shall monitor noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed those the following prescribed in the County Land Use Ordinance: Noise levels at the project property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB. From 10 p.m. to 7 a.m. (nighttime), noise levels at the property line shall not exceed an hourly average of 45 dB, with a maximum level of 65 dB, and an impulsive noise level of 60 dB. The noise monitor shall be available by telephone to respond to any noise complaints and take corrective measures to ensure compliance with the County Land Use Ordinance. The applicant and successors in interest shall provide a telephone number to reach the designated noise monitor to the County and any neighbor who requests it. The telephone number provided shall allow the County and/or neighbor to reach the noise monitor during all events." (Document Number: 2016-073\_PDH)

## **ADJOURNMENT**

**Next Scheduled Meeting:** October 21, 2016, in the County Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA.

**Nicole Retana, Secretary**  
**Planning Department Hearings**

**Minutes will be approved at the November 18, 2016, Planning Department Hearings Meeting.**